



State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716  
TRENTON, NJ 08625-0716

CAROLE JOHNSON  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

NATASHA JOHNSON  
Director

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 07882-19 G.G.

AGENCY DKT. NO. C770142007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that Petitioner moved to New Jersey ("NJ") without a plan, that she had the capacity to plan to avoid her emergency, but failed to do so, and that Petitioner's behavior directly caused her ejection. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 12, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 13, 2019, the ALJ issued an Initial Decision reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on June 17, 2019.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT WITH CONTINGENCIES the ALJ's Initial Decision, and REVERSE the Agency's determination.

Only Work First New Jersey ("WFNJ") cash assistance recipients and Supplemental Security Income benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, the ALJ found that Petitioner's homelessness was due to circumstances beyond her control, and that although her situation may be partly due to poor planning, she did not have a realistic capacity to plan for substitute housing. See Initial Decision at 4-5. Specifically, the ALJ found that Petitioner had to leave the mobile home, that she had occupied in South Carolina ("SC") with the father of her two children, because he became incarcerated and the mobile home was sold. *Id.* at 2. Petitioner then moved in with her father and her aunt in SC where she was met with hostility, resulting in her father throwing her out of his home and buying her a one-way ticket to NJ to go live with her mother. *Id.* at 2-3. It was upon Petitioner's arrival in NJ that she first found out that her mother lived in a boarding home that would not allow Petitioner and her two children to reside there. *Id.* at 3. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Id.* at 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c).



While I agree with the ALJ's conclusion, that the Agency's basis for denying Petitioner EA benefits was improper, the record reflects, however, that Petitioner was not receiving WFNJ cash benefits at the time of the hearing, as her application for WFNJ/Temporary Assistance for Needy Families ("TANF") benefits had not yet been approved, pending cooperation with the child support requirement. See Initial Decision at 3. Therefore, I find that Petitioner is eligible for EA benefits, contingent upon the Agency's approval of Petitioner's application for WFNJ cash benefits. See Initial Decision at 3-5; see also "Notice of Initial Cooperation With Child Support," "History Menu," and N.J.A.C. 10:90-6.2(a).

By way of comment, the Agency shall provide Petitioner with immediate need housing, if appropriate, while it processes Petitioner's application for WFNJ/TANF benefits. See N.J.A.C. 10:90-1.3(a). Petitioner is advised that, should she not be approved for WFNJ/TANF benefits, any immediate need housing shall immediately cease.

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED WITH CONTINGENCIES, and the Agency's action is REVERSED.

**JUN 19 2019**

Officially approved final version.

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Natasha Johnson  
Director

